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Situation of human rights in Myanmar

Report of the Secretary-General

Summary

The present report, submitted pursuant to paragraph 21 of General Assembly resolution 67/233, covers the period from 25 August 2012 to 10 August 2013. During that period, Myanmar witnessed dramatic changes as the reform measures initiated in 2011 continued to be pursued through the building of new institutions and the enactment of new laws in active sessions of the national parliament and regional assemblies, while steady progress was achieved in national reconciliation through negotiations with erstwhile ethnic armed groups and encouragement of the voluntary return and resettlement of displaced populations. The Government carried out a series of reform measures aimed at transforming the economy into an increasingly market-oriented economy, opened new sectors to foreign investment and trade and introduced measures to ensure greater transparency and to combat corruption. As the country's engagements with the outside world expanded widely, new challenges arose. The increased communal tensions and violent incidents around the country raised doubts as to whether they could undermine the reform process under way. The United Nations continued its wide-ranging engagement with and provision of support to Myanmar.

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I. Introduction

1. The present report is submitted pursuant to paragraph 21 of General Assembly resolution 67/233, in which the Assembly called upon me to continue to provide my good offices and to pursue my discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar and to report to the Assembly at its sixty-eighth session, as well as to the Human Rights Council, on the progress made in the implementation of the resolution. The present report covers the period from 25 August 2012 to 10 August 2013. Separate reports by the Special Rapporteur on the situation of human rights in Myanmar were issued in September 2012 (A/67/383) and April 2013 (A/HRC/22/58).

2. With the historic changes that have occurred recently in Myanmar, some significant challenges have come to the fore in this nascent stage of the reform process. During this delicate phase of transition, I have sought, along with my advisers, to engage the authorities and other relevant stakeholders to achieve progress towards the continuation of democratic reforms; a broad-based dialogue between the Government and all relevant parties to the national reconciliation process, including those represented within the parliament and outside; an improvement in the socioeconomic conditions by strengthening the partnership between the United Nations and Myanmar; and a more proactive and cooperative engagement between Myanmar and the United Nations in the good offices process. We have also striven for continued progress with regard to human rights issues.

3. To achieve these goals and to contribute to the reform process undertaken by Myanmar, my Special Adviser on Myanmar visited the country on five occasions, at the invitation of the Government. For my part, I met the President of Myanmar, Thein Sein, on 29 September 2012 during his visit to Headquarters to attend the opening session of the sixty-seventh session of the General Assembly. I also met Daw Aung San Suu Kyi on 21 September 2012 during her visit to the United States of America; the Speaker of the Pyithu Hluttaw (Lower House of Representatives), Thura Shwe Mann, when he visited New York on 14 June 2013 as the head of a parliamentary delegation; and other high-level officials, including the Minister of the President's Office and the Government's chief negotiator for talks with ethnic groups, Aung Min, whom I met in September 2012 in New York. My Special Adviser provided a briefing to the Security Council on 16 April 2013 and to the President of the General Assembly on 12 July 2013. I also convened two meetings of my Group of Friends on Myanmar in New York. The first was held at the ministerial level on 28 September 2012 and the second on 10 July 2013 at the level of permanent representatives. In the light of the strengthened bilateral engagements between Myanmar and other partners, my Special Adviser also continued regular consultations with Member States. He facilitated discussions within the United Nations system with a view to strengthening and coordinating the Organization's engagement on various issues concerning Myanmar. In November 2012, he participated in a conference in the United Kingdom of Great Britain and Northern Ireland. In June 2013, he attended a forum in Norway that covered, among other things, the continuing peace processes in Myanmar.

4. Continuing the normalization of the Organization's partnership with Myanmar, the United Nations Development Programme (UNDP) signed a three-year country programme action plan on 8 April 2013 for the period 2013-2015. The action plan

followed a decision of the Executive Board of UNDP in January and represents the first normal country programme for Myanmar in 20 years. It has a strong governance focus. The Administrator of UNDP visited Myanmar in June to co-chair the World Economic Forum on East Asia. The Executive Boards of UNDP, the United Nations Population Fund, the United Nations Office for Project Services, the United Nations Children's Fund, the United Nations Entity for Gender Equality and the Empowerment of Women and the World Food Programme made a joint 10-day field visit to Myanmar in March 2013, during which they met government authorities, parliamentarians and major stakeholders in Yangon and Nay Pyi Taw. They also visited local projects in central Myanmar and Rakhine and southern Shan States. Earlier, in December 2012, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator visited Myanmar and supervised the provision of humanitarian assistance to displaced populations living in camps in Rakhine State and elsewhere.

5. Following the President's request for United Nations assistance in carrying out the first national population census in 30 years, I directed the United Nations Population Fund and the Department of Economic and Social Affairs of the Secretariat to provide technical support to conduct the census in 2014. An international technical advisory board was established to provide expertise and advice to assist the Government in the successful implementation of the census in compliance with international standards. It met in January and July, before and after the pilot census that was conducted in March and April. A national workshop was held in June to take stock of the pilot exercise and implement corrective measures where needed. All concerned agencies within the United Nations system will remain engaged with the national authorities to help to ensure timely preparations for the successful conduct of a census in 2014.

6. The Special Rapporteur on the situation of human rights in Myanmar visited the country in February 2013 and provided a briefing to the Human Rights Council thereafter. On 21 March, the Council, by its resolution 22/14, extended the Special Rapporteur's mandate for a further year.

II. Key developments

A. Political reforms

7. The Government made steady progress on the release of political prisoners (also known as "prisoners of conscience") during the reporting period. Apart from the release of some 230 political prisoners in September and November 2012 and in April, May and July 2013, the Government announced on 7 February the establishment of a committee for the verification of political prisoners headed by the Union Minister, U Soe Thane. Comprising representatives of government departments, civil society organizations and major political parties, the committee will seek to define the term "prisoner of conscience" and provide a coordinated framework for the scrutiny and release of the remaining political prisoners. While no definition has yet emerged, the Government has, for the first time, involved the Assistance Association for Political Prisoners, a prisoner rights and support group, to help the committee in its work. On 16 June, the committee forwarded an agreed list of 155 political prisoners to the President's Office. The figure represented a

significant fall in the number of political prisoners over the past two years. In my meetings with the country's leaders, I have continued to urge the release of all political prisoners in Myanmar as a necessary step in the democratization process and towards further strengthening the international community's confidence in the direction of the reforms. I have stressed that the issue of political prisoners should be resolved before Myanmar begins to chair the Association of Southeast Asian Nations (ASEAN) in 2014. On 23 July, I welcomed the release of an additional 73 political prisoners and the President's public commitment to releasing all political prisoners by the end of 2013.

8. The establishment of a body within the parliament to review the Constitution of 2008 was another key recent development. The 105-member committee is expected to comprise parliamentarians from the 20 political parties currently holding seats in the parliament, in addition to representatives of the military. It will deliberate on key issues requiring constitutional scrutiny in order to ensure an inclusive process during the elections to be held in 2015. In March, the President's Office also announced the formation of a new constitutional tribunal after obtaining parliamentary approval. The development comes after a similar tribunal of nine judges resigned in September 2012 over differences as to whether the parliamentary committees should have the status of Union-level organizations.

9. The parliament continued to make important strides, including on legislative measures aimed at strengthening good governance. In my address to the parliament in April 2012, I had highlighted the central role that it needed to assume in carrying forward the country's democratic transition and called upon representatives from various parties, ethnicities, religions and institutional backgrounds to come together to draw up an inclusive and forward-looking national agenda for change. I am happy to report that developments have proceeded in that spirit. With the establishment of key parliamentary subcommittees such as those on the fundamental rights of citizens, democracy and human rights, ethnic races affairs and internal peace restoration and rule of law and tranquillity, the two houses of the parliament are poised to make a significant contribution to the national debate on key issues. It is notable in this regard that the leader of the National League for Democracy, Daw Aung San Suu Kyi, was appointed to chair the newly formed committee for rule of law and tranquillity in August 2012.

10. During its fourth, fifth, sixth and seventh sessions, held over the past 12 months, the parliament adopted several significant laws aimed at advancing political freedom and fostering economic growth. Some are highlighted below. The seventh session of the Pyithu Hluttaw, which was convened on 15 June, saw the establishment of a joint parliamentary committee tasked with reviewing the Constitution. On 31 July, Thura Shwe Mann became the Speaker of the parliament in line with the constitutional provision whereby the Speakers of the two houses rotate the chairship of the body midway through its term. Assuming his responsibility, he called for the fair management of the peace process and for the public to cooperate and promote the peacemaking process while political dialogue was under way. He also called upon all citizens to promote harmony, respect the laws of the State and to prevent riots such as those that occurred recently.

11. Since the launching of reforms, concerted attempts have been made to broaden the scope of media freedoms. The dissolution of the censorship board was announced on 25 January and licences were granted in April to private newspapers

to publish dailies for the first time in nearly 50 years, ending the monopoly of State-owned newspapers. Meanwhile, a new printing and publishing enterprise bill that was adopted by the Pyithu Hluttaw was severely criticized by local media bodies, such as the interim press council, which lamented the arbitrary decision-making powers that it gave to government registration officers. The interim press council has decided to submit its own amendments directly to the parliament. The President has publicly underlined the commitment of his Government to working to fully restore freedom of expression, but has also stressed the importance of having a responsible media that can play a positive role in fostering a healthy and open democratic process in the prevailing delicate political climate.

12. Meanwhile, in continuation of the process of eliminating the residual regulations that had characterized the military regime's controversial past, the Government rescinded in January the ban on public gatherings of more than five people, which had been in place since 1988, thereby ending a much-criticized practice.

13. Ahead of the elections to be held in 2015 and taking advantage of the democratic developments in Myanmar, the various political parties stepped up their organizational activities. The National League for Democracy held its first-ever national congress in Yangon from 8 to 10 March, attended by some 900 delegates from more than 250 townships. Numerous ethnic leaders, in addition to members of other political parties and foreign observers and diplomats, were present. The delegates elected a 120-member central committee, which in turn elected a new central executive committee. The latter body has 15 members, including all seven former executives but with four women representatives and larger representation from various ethnic areas. The central committee unanimously elected Daw Aung San Suu Kyi as party leader. Within the ruling Union Solidarity and Development Party, at a party conference held in Nay Pyi Taw in October 2012, the top echelons were restructured by having three Vice-Chairs in place of a single Vice-Chair. In addition, a consultation council for the Chair was created, equal in rank to the Vice-Chairs, and the 44-member central executive committee reorganized from among some 300 members of a larger panel. In May, at a youth conference, the party announced a leadership change, with the party's Deputy Chair and Speaker of the Pyithu Hluttaw, Thura Shwe Mann, assuming the position of Chair, succeeding the President. The decision was reportedly formalized at a party convention convened from 22 to 24 June.

B. Human rights

14. The Government announced on 18 November 2012 that it would invite the Office of the United Nations High Commissioner for Human Rights to begin negotiations on establishing an office in Myanmar. I regard this move as a step forward and would welcome the early establishment of an office with a protection and promotion mandate, which would be a further step forward. The Office has also engaged with the Government on technical cooperation. It was actively engaged on the draft law on the national human rights institution, encouraging stakeholders to develop and adopt legislation that would ensure its independence and effectiveness and also its compliance with the applicable international standards and the Paris Principles. In July 2012, in collaboration with the United Nations Office on Drugs and Crime, a draft prisons act was reviewed with the concerned department and

comments provided with a view to bringing the draft into line with international standards. The draft remains pending with the Government. In December 2012, the first Human Rights Day celebration was organized in Yangon since 1998, with senior representatives of the Government, the parliament, the media and the United Nations participating.

15. There has been significant progress on the issue of child soldiers in Myanmar. Following up on the action plan signed between the United Nations and the Government in June 2012 for the release and reintegration of children associated with the armed forces and the prevention of further recruitment, 42 children were released in September 2012. Additional discharges have occurred to date, including 24 children released in February, 42 released in July and 68 released on 7 August. I have been urging all sides, including armed ethnic groups, to end the practice of recruiting children and called for the prompt discharge of underage soldiers by the Government in line with its commitment. There is no justification for the recruitment of children by the armed forces. No child should have to endure the hardship of forceful removal from his or her family, friends, school and community. The army has released more than 520 children since 2006 and progress on this front must continue.

16. In recognition of the progress with regard to eliminating forced labour, the International Labour Organization (ILO) lifted all remaining restrictions on Myanmar in June 2013. The restrictions were initially introduced in 1999 and 2000 as a result of ILO finding what it termed "abundant evidence" of the "pervasive use" of forced labour by the authorities. Delegates attending the 101st session of the International Labour Conference, in June 2012, requested ILO and the Government to uphold their commitments and move forward in taking action on the supplementary understanding signed in 2007 between ILO and the Government, the memorandum of understanding signed in 2012 and other associated action plans for the elimination of all forms of forced labour by 2015.

C. Development cooperation and socioeconomic change

17. In his inaugural speech to the parliament in March 2011, the President underscored economic reform as a key priority for the Government. In fulfilling that commitment, key steps were taken, including the launch of the second and third waves of reform measures aimed at developing the private sector and providing a new focus on strengthening good governance by improving public services, undertaking administrative reforms and combating corruption.

18. The parliament has begun to openly debate the budget. There have been changes in budgetary allocations by the Government, with an increase in the funding allocated to the developmental and social sectors. While defence allocations in the current national budget have decreased slightly, they are still reported to account for around a fifth of the total budget. Over the same period, however, allocations for the health and education sectors have nearly tripled, albeit from a relatively low level of less than 3 per cent in 2010. Meanwhile, following growth of 5 per cent over the past five years, the economy grew by 6.5 per cent during the fiscal year 2012/13, according to International Monetary Fund figures.

19. Reform efforts have also been made recently to help to move the country towards a market-based economy. Much-needed reforms in the financial and

banking sectors were carried out through the establishment of the appropriate institutions and infrastructure, including through a law creating an autonomous central bank. The enactment of a foreign investment law is likely to attract sizeable foreign investment. The Government is determined to triple its gross domestic product within five years while reducing the poverty rate from 26 to 16 per cent over the coming three years. Acknowledging the positive steps taken by the Government and following the clearing of arrears, the World Bank and the Asian Development Bank agreed to provide initial loans amounting to $440 million and $512 million, respectively. Under an interim strategy for Myanmar endorsed by its Board of Executive Directors in November 2012, the World Bank is helping the Government to improve economic governance and create conditions for growth and jobs by providing policy advice and technical assistance. In February, the Government and the Bank agreed to work together to meet the country's urgent and mounting power and energy needs and towards improving the telecommunications and banking sectors. The Bank is also supporting a national community-driven development project that empowers rural communities to choose which investments are most needed in areas such as roads, bridges, health clinics or other priorities. The project is funded by a grant of $80 million, with a contribution of $6.3 million from the Government. The interim strategy of the Asian Development Bank aims at developing a comprehensive country partnership in support of sustainable development and job creation.

20. The international development partners of Myanmar underlined their support for the country's economic development programme at a meeting of the Myanmar Development Cooperation Forum, held on 19 and 20 January 2013. The Nay Pyi Taw Accord for Effective Development Cooperation adopted at the Forum outlined obligations for both the Government and donors in the implementation of reform policies and aid projects. In June, the World Economic Forum on East Asia, held in Nay Pyi Taw, afforded Myanmar an important opportunity to highlight its commitment to democratic reforms and to showcase its economic prospects vis-à-vis the larger international community. The Forum attracted widespread attention, including from government leaders and from business groups and private investors from around the world.

21. The significant progress made on various fronts notwithstanding, the country continues to face major challenges. Along with the opening up of the economy and the increased transparency of debate on public issues that has ensued, the Government has begun to face strong pressure on a number of projects relating to infrastructure and the exploitation of natural resources that were initiated under the previous military regime. Local populations and civil society organizations have begun to strongly question the soundness of earlier investment decisions and, on occasion, have highlighted their adverse social and environmental impact on local communities. In many cases, affected communities have accused the authorities of arbitrary land allocation and even of allowing land grabbing to facilitate the implementation of priority projects. Persistent public protests compelled the Government to suspend work at the Letpadaung copper mine in Monywa, Sagaing Division, and an investigation commission chaired by Daw Aung San Suu Kyi was set up to assess the advisability of continuing the project. In its report, the commission recommended against the cancellation of the project, while suggesting redressal of several popular grievances. Separately, popular grievances regarding land acquisition, especially affecting the rural population, were addressed by a

parliamentary farmland investigation commission, which recommended the return of undeveloped land to its owners or to the State. In cases in which land had already been developed or put to another use, the affected farmers were to be awarded adequate compensation. This issue is of particular relevance because most people rely on agriculture for their livelihoods. To assuage public anxiety and international concern regarding future projects, especially in the mining sector, the Government announced that Myanmar would accede to the Extractive Industries Transparency Initiative, a global standard that promotes revenue transparency and accountability in the extractive sector. In late July 2013, a wide-ranging bill to root out corruption through the establishment of an anti-corruption commission was approved by the parliament.

22. Enhanced international engagement with Myanmar has resulted in greater inflows of financial support, with total foreign investment from more than 30 countries reaching $42 billion. Of that amount, $794 million was received over the nine-month period of the fiscal year 2012/13. The authorities are reportedly preparing to establish a stock exchange. Most recently, after a transparent nationwide telecommunications licensing process, two successful foreign applicants were reportedly selected to upgrade the telecommunications system. In the oil and gas sector, Myanmar offered 30 blocks for exploration in a licensing round covering 11 shallow and 19 deep-water blocks in June 2013. Meanwhile, the 793-km natural gas pipeline from Myanmar to China entered the testing phase in July. The energy sector continues to be central to the country's economic growth and hydropower, mining, oil and gas comprise 85 per cent of total investment in the country. Recognizing the importance of special economic zones, plans for a number of such zones are also being finalized and completion of the first phase is expected in 2016.

23. The question of how to absorb this inflow of investment has been a major challenge for the authorities as they formulate relevant policies, establish new institutions and develop the human resources required to cope with the new realities. The urgent need to meet the developmental demands of the people notwithstanding, there appears to be an awareness that the country cannot repeat the experience of some of its neighbours and focus exclusively on rapid growth without building the social policies and social protection needed to ensure that its citizens acquire the resilience needed to manage economic and health crises or natural disasters. Since reforms were initiated in Myanmar, I have been stressing the need for the international community to work closely with the Government to strengthen national capacity to absorb foreign investment, handle it transparently, wisely and coherently, strengthen the accountability of natural resource revenue management and build public trust in governance. The United Nations will continue to help Myanmar in the area of public administration by supporting capacity-building for training institutions and the development of training strategies for civil servants.

D. International engagement

24. The dramatic changes occurring in Myanmar have attracted widespread international attention and resulted in an increasingly brisk engagement of the international community with its leaders. In November 2012, the President of the United States, Barack Obama, made the first-ever visit by an incumbent President of the United States to the country, bringing bilateral relations to a new level. In May 2013, the President of Myanmar visited the United States in the first visit by a

leader of Myanmar to the country since 1966. The United States has offered assistance focused on the strengthening of the parliament and support for political parties in their democratic participation in the reform process. Other initiatives include the re-establishment of the Fulbright Program in Myanmar, the catalysing of university-private sector partnerships involving United States businesses and institutions of higher education in both countries to address critical development needs, and the provision of targeted support aimed at promoting transparency and good governance in the extractive industries sector. Meanwhile, the United States also announced sanctions in July 2013 against a prominent minister for his past actions in allowing military purchases from the Democratic People's Republic of Korea, while highlighting the continuing positive steps of the Government of Myanmar in severing military ties with that country.

25. Engagement between Myanmar and European countries also witnessed substantive progress. The President of the European Commission visited Myanmar in November 2012 and a delegation of the European Parliament visited in February 2013 to underline support for national efforts to consolidate democracy, establish the rule of law, ensure respect for human rights and achieve national reconciliation. The President of Myanmar visited Austria, Belgium and Italy from February to March and attended the signing ceremony of an agreement on cooperation in crisis response between the European Union and Myanmar. He addressed the European Parliament and underlined that his Government must find ways of addressing long-standing grievances in Myanmar and work towards a more inclusive nation, including on the issue of citizenship. In July, he visited France and the United Kingdom of Great Britain and Northern Ireland to strengthen bilateral ties in a wide range of areas, including on investment and education.

26. In recognition of the visible progress achieved in political reform, the European Union in April 2013 lifted the last of the bloc's trade, economic and individual sanctions against Myanmar, with the exception of the embargo on arms. On 19 July, it formally reinstated preferential trade terms for Myanmar.

27. While expanding its international engagement with the United States and European countries, Myanmar has reaffirmed its strong political ties with China. Visiting China in September 2012, the President underlined his country's traditional friendship with China and the support and assistance provided at what he termed "the most difficult of times". In April, he attended the Boao Forum for Asia, an event aimed at promoting regional economic integration and helping Asian countries to attain their development goals. Other high-level visits included the visit to Myanmar by the then Chair of the Standing Committee of the National People's Congress, Wu Bangguo, in September 2012. The Special Envoy of China for Asian Affairs, Wang Yingfan, visited Myanmar in May, while the State Councillor, Yang Jiechi, did so in June. During both visits, the two countries reiterated their commitment to deepening their comprehensive strategic cooperation partnership.

28. Following the President's successful visit to Japan in May 2012, the Prime Minister of Japan, Shinzo Abe, made a high-profile visit to Myanmar in May 2013 to reinforce the growing economic ties between the two countries. A number of two-way visits were conducted between Myanmar and Australia, most significantly the President's visit to Australia in March and visits by the Minister for Foreign Affairs and the presiding officers of the parliament. The President visited the Republic of

Korea in December 2012 and, during the same month, participated in the two-day ASEAN-India Commemorative Summit held in New Delhi.

29. ASEAN countries continued their high-level engagement with Myanmar. In December 2012, the President of Myanmar and the Prime Minister of Thailand, Yingluck Shinawatra, together visited the Dawei Special Economic Zone and discussed ways of accelerating the project and other areas of bilateral cooperation in telecommunications, power, environmental conservation and investment. The two met again at the twenty-second ASEAN Summit, held in Brunei Darussalam in April. During the same month, the President of Indonesia, Susilo Bambang Yudhoyono, visited Myanmar and discussed a wide range of bilateral and regional issues with his counterpart.

30. Apart from the visits by the President, there were significant visits abroad by other members of the political leadership of Myanmar, including by Daw Aung San Suu Kyi. Her visit to Japan in April, the first in 27 years, included meetings with the Prime Minister, the Minister for Foreign Affairs and the Myanmar diaspora. She also visited India in November 2012, where she met senior State leaders and received the Jawaharlal Nehru Award for International Understanding in New Delhi. As mentioned above, the Speaker of the Pyithu Hluttaw, Thura Shwe Mann, and 11 parliamentarians visited the United States in June, during which time I was able to welcome him at Headquarters. Another important engagement was the visit in April to the United Kingdom and the United States by Aung Min.

31. Continuing reform efforts and greater international engagement also helped Myanmar to build new linkages with its neighbours, thereby facilitating regional integration and trade ties. On the eastern border of Myanmar, Thailand agreed to open three additional permanent border checkpoints. To the west, a number of projects were undertaken between Myanmar and India, including the development of roads and inland waterways for bilateral connectivity and some segments of a trilateral highway project to connect India, Myanmar and Thailand.

E. National reconciliation

32. The Government's overall vision of national reconciliation was articulated by the President in a speech delivered in August 2011, in which he envisaged a three-stage process involving a ceasefire, political dialogue and the transformation of erstwhile armed ethnic groups over time into national political groupings or parties and their participation in the regular electoral process to represent their constituencies in the state legislatures or the houses of the parliament.

33. It was against that backdrop that the historic 14-point agreement of April 2012 between the Karen National Union and the Government was concluded. Both sides have since continued to hold detailed discussions on various issues, including a post-ceasefire code of conduct, the opening of liaison offices, implementation of peace agreements and the provision of documentation and awareness training relating to demining operations in areas controlled by each side. Meanwhile, the Karen National Union/Karen National Liberation Army formally committed itself to international instruments prohibiting sexual violence and gender discrimination and for the protection of children in armed conflict.

34. The past year has seen much expectation and some steady progress in building peace and achieving national reconciliation. A Myanmar peace centre was established in 2012 by the Government to streamline various efforts to negotiate with ethnic groups and to cope with the immediate problems of resettlement and rehabilitation. Its aims include providing technical support to the peacemaking process in the country and serving as a platform from which the Government and ethnic groups can hold informal contacts and discussions. It also provides a focal point for channelling various forms of assistance, such as humanitarian support from international partners and multilateral bodies, including the United Nations. In this connection, a peace donor support group led by Norway and comprising Australia, the United Kingdom, the European Union, the United Nations and the World Bank has been working in tandem with the Centre.

35. Many ethnic groups, however, have continued to view the prospect of national reconciliation from a perspective that is different to that of the Government. Their widely divergent approaches notwithstanding, some of the groups and subgroups have been working together in coalitions to devise a common approach to the upcoming peace talks. Much more consultation, both between the ethnic groups and within the Government itself, on the larger framework for political dialogue will be needed in the future. For their part, the government negotiators have signalled a clear willingness to have frank and friendly talks based on recognition of the right of the ethnic groups to enjoy equality, autonomy and rights. They have also conceded, in principle, that there is a need to agree to an appropriate modicum of power-sharing and resource-sharing.

36. Meanwhile, in Kachin State, where the ceasefire was first breached in 2011, the situation remained tense. The escalation of the violent conflict in December 2012 and January 2013 aroused serious concern, both in Myanmar and abroad. The use of air power by the government forces and the intensification of the conflict on both sides caused large-scale displacements among the local population. On 2 January, I called upon the authorities to desist from any action that could endanger the lives of civilians living in the area or further intensify the conflict in the region. I also drew attention to the need for timely access and delivery of humanitarian assistance to the internally displaced and vulnerable sections of the population in Kachin State.

37. Amid increasing concern over the developments, government negotiators and representatives of the Kachin Independence Organization met in Ruili, China, during the first week of February. The two sides reached tentative agreement on avoiding further offensive action and retaining each side's presence in specific areas. They also agreed upon travel and logistical preparations for future meetings, in addition to mutual help in the rebuilding and restoration of destroyed roads and infrastructure and the urgent provision of food and humanitarian supplies to displaced populations. Discussions continued in March at a second meeting in Ruili, at which agreement was reached on the clearing to normal traffic of the two roads from Myitkyina to Putao and from Myitkyina to Bhamo.

38. My Special Adviser has visited Myanmar regularly since early January 2013 and engaged with senior government officials and other stakeholders on the worrisome situation in Kachin State. On 4 February, the day of the first meeting in Ruili, he was invited by the Government to visit Myitkyina in order to survey the critical humanitarian situation affecting the camps for internally displaced persons

there. He accompanied senior central ministers to the camps and addressed public meetings with civil society. He continued to call for humanitarian access to meet the needs of the people both inside and outside government-controlled areas.

39. A third round of peace talks was held from 28 to 30 May in Myitkyina, resulting in the finalization of a seven-point agreement between the two sides. The agreement stipulated the commencement of a political dialogue, de-escalation and cessation of hostilities, further discussion on the repositioning of troops and the establishment of joint monitoring committees, in addition to the continuation of relief, rehabilitation and resettlement efforts for displaced populations in Kachin State. My Special Adviser attended the talks as an observer, along with the representative of China and members of various ethnic groups. During his time in Myitkyina, he also met Kachin civil society, community and religious leaders and other public figures to hear their views and assure them of the commitment of the United Nations to the peace process. I believe that the presence of the United Nations helped to build a better equation of trust and mutual workability between the parties. The Organization will continue its efforts in the same constructive spirit.

40. In parallel with the efforts in Kachin State, the President and his advisers continued their engagement with other ethnic groups with a view to bringing the country closer to genuine national reconciliation. Peace talks were held between the Government and the Restoration Council of Shan State/Shan State Army in Nay Pyi Taw in June 2013. In December 2012, the Government and the Chin National Front signed agreements in their second round of central-level talks, held at the Myanmar Peace Centre in Yangon. In addition, the Government signed a five-point agreement on 12 July 2013 with the United Wa State Army, one of the largest armed ethnic groups, which also underscored cooperation between the Government and the group on regional development and drug eradication. Simultaneously, the authorities have been reaching out to and engaging with other ethnic groups in order to further the peace process.

41. On 28 June, Aung Min informed the parliament that the Government would soon be handing over to it a plan for the organization of a national political dialogue with ethnic groups. Meanwhile, the President has called upon the Government and all ethnic armed groups to prepare for a nationwide ceasefire agreement that could for the first time in 60 years silence the guns around the country. His call has received widespread support, a degree of ambivalence on the part of some armed groups notwithstanding.

F. Humanitarian challenges

42. While national reconciliation efforts have yielded positive developments, United Nations humanitarian agencies and their partners have faced major challenges. In Kachin and northern Shan States, the number of people displaced grew to almost 100,000. The provision of urgent livelihood needs and protection support to the vulnerable has become increasingly important. Since mid-July 2012, the absence of government permission (except once, in June) for aid convoys led by the United Nations to gain access to the communities in areas outside the control of the Government has been a major challenge for the continued provision of United Nations humanitarian assistance to complement the aid provided by local non-governmental organizations. Following notification of the President's approval

on 7 January to deliver assistance to areas in which security could be guaranteed, the United Nations has continued to push for unimpeded access. Since July 2012, only one cross-line mission has been able to travel and assist some 4,800 internally displaced persons in areas beyond government control. Many needs therefore remain unmet in those areas.

43. Some improvements notwithstanding, the constraints on humanitarian access remain significant in many parts of the country. On 12 June, a United Nations cross-line mission reached communities in a non-government-controlled area in Mai Ja Yang, Kachin State, the first such mission to areas beyond government control since July 2012. In the south-east of the country, some improvements were observed, with more humanitarian actors gaining access to previously unreachable areas. Bureaucratic constraints, the unpredictability of the security situation and the presence of landmines continue, however, to hamper humanitarian efforts in areas across several regions.

G. Communal tensions

44. In the previous report (A/67/333), I referred to the communal violence that convulsed northern Rakhine State in June 2012. Similar outbreaks occurred in October 2012, causing unconscionable loss of lives and destruction of property, in addition to large-scale displacement of affected communities. In Rakhine State itself, more than 110,000 people were displaced following clashes between Buddhist and Muslim communities from June to November 2012. This figure includes some 36,400 people affected by the resurgence of communal violence on 21 October 2012 in several townships that resulted in more than 80 deaths and the destruction of in excess of 5,300 homes. Most of the displaced were in Sittwe, Kyauktaw and Maungdaw townships, where a pattern of segregation appears to have emerged. It is now estimated that up to 140,000 people have been displaced in Rakhine State. In an effort to curb the violence and address concerns over the negative developments in the region, a 27-member inquiry commission was appointed by the President in August 2012 to ascertain the causes of the violence, suggest immediate and longer-term measures to prevent its recurrence, maintain the rule of law and promote harmony among communities. The commission comprised representative of a cross-section of political, professional and civil society personalities and religious groups. Eight months after beginning its work, the commission submitted its report to the President on 22 April and made it available for public dissemination.

45. In mid-December 2012, at the invitation of the Government, my Special Adviser visited Myanmar and accompanied the Population and Immigration Minister, Khin Yi, on a two-day mission to Rakhine State, during which they discussed with leaders of the Buddhist and Muslim communities specific and practical ways to tackle some of the core issues underlying the tensions between them. Earlier, in November, the President had written to the Secretary-General to indicate that he was reviewing the issues with a view to finding more stable and sustainable solutions. Some of the immediate measures discussed by the authorities included reviewing cases involving members of the Muslim population of Rakhine State to consider more liberally issuing national registration certificates and the possibility of allowing certificate holders free movement across the country and issuing them with work permits. Such documentation could also provide a basis for them to apply for international travel documents and passports and, eventually, for

citizenship. Although details of the proposals were not fully clarified, the Government publicly declared its determination to pursue a graduated framework for meeting such citizenship-related concerns. This step needs to be encouraged.

46. Meanwhile, the arc of communal violence began to engulf other parts of the country. Clashes between Muslims and Buddhists in March over a local dispute in Meiktila left at least 40 people dead, 60 injured and more than 2,245 houses reportedly destroyed by arson. In excess of 12,000 people were displaced, with some 7,000 seeking refuge in seven camps over several months. A state of emergency ordered in four townships in Meiktila was lifted only in July. In late May, two further incidents of communal violence erupted in Lashio, northern Shan State, leaving two people dead and causing extensive damage to houses, vehicles and market areas. On this occasion, the authorities appeared to have moved swiftly to restore order and, by late July, all but three families among the 1,400 people displaced were reported to have returned home.

47. My Special Adviser reached out to senior Muslim and Buddhist leaders, in addition to civil society and community leaders, during the violence in Meiktila, urging them to make a public appeal for tranquillity and public order to be restored and to promote harmony between the communities. On 24 March, he accompanied Aung Min, other officials and religious leaders to the affected areas in Meiktila and met victims who were provided refuge in a sports stadium, three schools and a monastery. He also surveyed the affected areas in Meiktila. At a meeting attended by government leaders and prominent leaders of the Buddhist, Muslim and Christian communities, he called for proactive efforts by the Government to restore public order, protect all citizens and maintain the rule of law, while requesting religious leaders to speak out publicly to their followers and urge them to abjure violence, lower tensions and promote harmony between the communities. Subsequently, he held meetings with the President and other government officials in Nay Pyi Taw, where he called for firm action against the perpetrators of the violent attacks.

48. The spillover of the plight of the Rohingya and the deteriorating communal situation in Myanmar was felt in neighbouring countries such as Indonesia and Malaysia. From June 2012 to March 2013, an estimated 27,800 people left Myanmar and Bangladesh by boat in search of safety and stability elsewhere. Most were reportedly Rohingya, with some Bangladeshis. Reports indicated that numerous women and children were engaging in such dangerous journeys in overcrowded and often unsafe boats. In 2013, Indonesia, Malaysia, Sri Lanka and Thailand experienced boat arrivals, with the Office of the United Nations High Commissioner for Refugees being provided with varying degrees of access to the people. In June, the Malaysian police reported that four Myanmar nationals had been killed in Kuala Lumpur. In Indonesia, apart from an attack on Myanmar fisherfolk in Medan by Rohingya refugees in March, a terrorist plot against the Myanmar embassy was reportedly foiled in May. There was also an attack on a Buddhist temple in Jakarta in August. These developments are worrisome. Relations between Myanmar and fellow ASEAN countries are being strongly affected, especially in view of the large number of Myanmar nationals living in the region as migrant workers. In addition, there are dangerous implications for the delicate social fabric of the entire region.

49. Amid growing international concern, there were also strong reactions, especially among the States members of the Organization of Islamic Cooperation, against what was perceived as the deliberate targeting of the Muslim community. On

10 July, I met the representatives of a contact group of the Organization of Islamic Cooperation on Rohingya Muslims, comprising Brunei Darussalam, Djibouti, Egypt, Saudi Arabia and Turkey. In that meeting, held in New York, the representatives expressed their deep concern over the intolerable and unacceptable violence in Myanmar and stressed the need for the international community to exercise its influence in curbing the violence and addressing the underlying core issues. In reflecting those concerns to the Myanmar authorities, my Special Adviser and I have been encouraging the Government to engage the international community more openly and to take early action to tackle the issues.

50. On 10 July, in letters addressed to the President, the Speaker of the Pyithu Hluttaw and the Leader of the Opposition, Daw Aung San Suu Kyi, I appealed to them to make a strong and united call to the people of Myanmar to urgently abjure violence, respect the law and promote peace. I believe that such a united voice could provide a healing element in the current troubled situation. The response received from all the leaders was positive. The President underlined the commitment of the Government to taking firm action against the perpetrators to the full extent of the law. In a strongly worded press statement on 26 July, the Government stressed that it paid serious attention to the paramount importance of trust and harmony between Buddhists and Muslims for lasting peace among the people. It called upon all to oppose hostilities of religious extremism and stand against those instigating the escalation of religious divergence and instability. It will be important for the international community to engage Myanmar constructively and support efforts by the Government to translate those commitments into specific action without further delay.

H. Situation of internally displaced persons in Rakhine State

51. The fluid security situation in Rakhine State, in addition to cumbersome bureaucratic procedures, has made the provision of a safe environment for the operation of humanitarian agencies a continuous challenge. This state of affairs was aggravated by a perception among the local Rakhine community that international agencies were showing particular bias towards only one community in the disbursement of humanitarian support. Logistics and difficulties relating to the nature of the terrain and waterways, in addition to the paucity of actors engaged in relief operations, have complicated the delivery of assistance to those newly affected. The Government has been appreciably stepping up efforts to ease bureaucratic procedures and address issues of access. Since October 2012, humanitarian partners have gained better access for needs assessments and aid delivery to affected areas, but obtaining travel authorizations to areas in which tensions are highest remains far from simple.

52. Security concerns continue to impede freedom of movement for both internally displaced persons and the communities hosting them, resulting in restricted access to health and education services and livelihoods. In May, most internally displaced persons were temporarily relocated in preparation for Tropical Storm Mahasen, but returned to their camps and host communities later in the month. The intercommunal situation, however, remains tense in these camps also. On 4 June, three Rohingya women were reportedly shot dead in a confrontation with security officials in Mrauk-U township after they protested against efforts to relocate them from housing that they had occupied since their original homes were burned down

in 2012. The authorities contest the assertion that the deaths occurred as a result of firing by security forces. In late June, a violent incident in a camp for internally displaced persons in Pauktaw township, temporarily sheltering some 4,400 Rohingya, left two internally displaced persons dead and six injured, including two minors. The violence is believed to have been triggered by a dispute between displaced people and a village leader.

53. As mentioned above, some local groups have accused the United Nations and non-governmental organizations of being biased towards the Rohingya, resulting in threats being made against humanitarian workers and their ability to operate in Rakhine State being reduced. The United Nations and its humanitarian partners remain committed to carrying out humanitarian operations and providing aid to the affected sections of the population without any religious or ethnic bias and in a manner that is always based on the principles of impartiality, neutrality and humanity. I appeal to the authorities to ensure the safety and security of humanitarian workers and to release those in detention.

III. Observations

54. In his speech to the General Assembly in September 2012, the President of Myanmar stressed that his country was leaving behind an authoritarian system characterized by strong centralization of administrative, legislative and judicial powers and that it had in place a democratic Government and a strong, viable parliament. Throughout each of its seven sessions, the parliament has reflected progressively greater openness in political debate, with legislators across the political spectrum playing a wider role in debates over issues of advancing economic development, tackling social and environmental concerns, creating new institutional structures to strengthen governance, backing peace efforts with erstwhile armed ethnic groups or indeed promoting the larger interests of harmony and inclusiveness within society. The evolution of stable and dynamic parliamentary institutions, while simultaneously instilling in them a new political culture, remains a significant achievement in a country that for decades had lacked such appurtenances of a stable and sustainable democracy. Although the reforms were initiated as, essentially, a top-down process, democratization is increasingly beginning to gather pace from the grass roots upwards.

55. The efficacy of the parliament has been recognized by Daw Aung San Suu Kyi, who has commented that the parliament is becoming stronger. During the remainder of its current term, the parliament is likely to be judged by how far it is able to prepare the ground for inclusive politics during the next elections and how it cooperates with the executive in providing a vision and a set of constitutional solutions and pragmatic policies to grapple with the sensitive issues and challenges facing the nation. Foremost among them will be the issue of constitutional amendment, which will encompass questions of further democratization and of ensuring a stable process of national reconciliation. Meanwhile, there will be other pressing issues that will need to be tackled, especially those of vital concern for the country's rural population, who constitute the bulk of the electorate. The biggest of these issues relates to the acquisition, allocation and use of land and will become only more complicated in the future. While the parliament will remain at the heart of change in the country, there can be no doubt that firm leadership will also need to be provided by the executive and that a strong and independent judiciary must be

allowed to emerge. The United Nations and the international community in general will have to provide greater support and assistance in critical areas such as the rule of law, electoral assistance, anti-corruption, police reform and judicial practice.

56. The President plans to treble the country's gross domestic product and reduce the number of people who live below the poverty line from 26 to 16 per cent by 2015. At successive workshops nationwide, the United Nations stressed the urgent need to step up investment in health, education and human resources development so that the benefits of the democratic transition would be visible in the daily lives of the people. Inclusive growth policies will be a key element of any campaign to take on poverty in a sustainable manner, as will emphasis on the provision of adequate social protection and support structures.

57. Of equal and commensurate significance is the effort by the Government to reach out to the ethnic groups hitherto outside the purview of its policies and encourage them to embrace the larger national purpose. As Aung Min said in March before a meeting in New York, the current Government was cognizant that it would have to look at the demands for regional autonomy for ethnic nationalities and considerations of power-sharing and resource-sharing from a fresh and altered perspective. This state of affairs is both a significant opportunity and a challenge for Myanmar and one in which it can expect sympathy, support and assistance from the international community, including the United Nations. The international community can assist in clearing landmines, in relief and rehabilitation efforts by providing shelter, food and jobs and in partnership in the running of businesses such as small-scale industry, agriculture and livestock breeding. In response to a request from the Government, I declared Myanmar eligible for support from the Peacebuilding Fund. Such support is intended to assist in short-term projects, including those that would help to realize early peace dividends. The United Nations will work closely with the Government, ethnic leaders and local communities in the design and implementation of all activities and will accord priority to participatory and inclusive approaches. My Special Adviser and the United Nations country team stand ready to provide further support in order to ensure the success of the projects.

58. The peace process is at a crucial juncture. The focus should be on supporting the significant groundwork carried out to date and working for a stable and nationwide ceasefire and the prompt initiation of an all-round political dialogue. Unity and political leadership will be vital for the success of the dialogue process in achieving true and sustainable reconciliation. Ethnic armed groups have taken bold steps in signing ceasefire agreements after decades of conflict. It is critical that all political and military leaders publicly acknowledge and endorse their courageous decisions. In this connection, the vision and statecraft provided by the leaders of the negotiating teams on both sides must be commended. As the process moves forward and various groupings and coalitions emerge, it is inevitable that the negotiation process will become increasingly complicated. It is the hope of the United Nations that the configuration of representative groupings that have emerged and shown readiness to engage with the authorities will be able to deal with these issues patiently and coherently, in close consultation with their constituents and in full awareness of the larger goals of national unity and reconciliation.

59. If there is one issue that could undermine the momentum of the historic transformation under way in Myanmar, it is the danger posed by the aggravation of the communal situation. The plight of the Muslim community in Rakhine State, which was originally based on citizenship concerns, has been exacerbated by the spread of the communal virus across the country, allegations of human rights

violations committed against the Rohingya population and wider Muslim community and the prospect of increased polarization between Buddhists and Muslims. I have received appeals, memorandums and démarches from government leaders, civil society organizations, human rights groups, political leaders and private individuals across the world, in which they expressed their deep concern over the plight of the Rohingya and sought my active intervention. In the General Assembly and in the Human Rights Council, Member States have strongly called for an end to the violence and for the urgent resolution of the root cause of the conflict, including by tackling accountability for human rights violations.

60. The Government must address the root cause of statelessness emanating from the application of the country's citizenship law. After the violent events of 2012, the commission of inquiry presented a report that, although cautious and balanced, provided a sobering reflection of the limitations faced by the Government in dealing with the situation of the Rohingya community within the context of heightened public sentiment generated by a strong sense of victimization within both majority and minority communities. The situation has led to tardy implementation of the practical measures suggested in the report. Even the temporary measures for resolving issues of citizenship and livelihood for some members of the Rohingya community under the rubric of the existing law have remained unaddressed and unimplemented to date. Unless the Government takes serious and urgent measures to tackle these issues, it is likely to convey a perception of a lack of will or unpreparedness to face public pressure, neither of which is good for its overall image.

61. The dissemination of hate literature must be dealt with and those responsible for the killing of innocent people held accountable. Discussion must also begin to encompass legislative solutions for incremental progress in providing political, social and economic rights to the Rohingya community. Confidence-building and trust-building measures between communities and between communities and the Government are urgently and critically needed to push forward solutions for the internally displaced population and avoid escalation of tension. Decisions affecting the lives of internally displaced persons and communities must be taken through peaceful dialogue and consultation with those affected. The decision of the Government on 12 July to disband the border security force (the Nasaka) is likely to send a positive signal to the affected communities in the region and has been welcomed by the international community. More such specific and tangible steps will ensure that the goodwill generated internationally by the reform process for Myanmar is maintained and that the people continue to benefit therefrom.

62. It will be important for the international community to continue to provide strong and constructive support to Myanmar during this delicate transition. In this context, I appreciate the understanding and support provided by members of international community to my Special Adviser in his efforts to reach out to all relevant stakeholders in Myanmar. Taking note of the expression of support from Member States for the continuation of my good offices and recognizing that the United Nations can offer much constructive assistance in maintaining and reinforcing the positive trajectory of the reform process, I would like to urge Member States to consider positively any decision that would enable my Special Adviser to continue his work to assist Myanmar in effectively achieving key milestones in its path towards political and economic transformation, including preparations for the elections to be held in 2015.